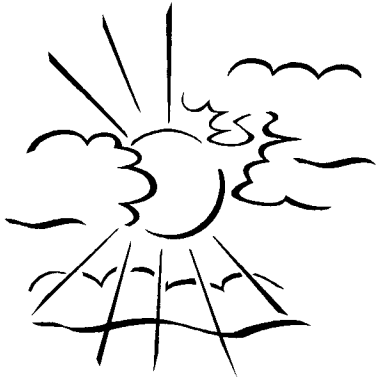


***Department  
of  
Human  
Services***

Prepared by the  
DHS Office of  
Communications  
(517) 373-7394



\*Important story at this spot

# **Articles in Today's Clips**

## **Wednesday, November 23, 2005**

(Be sure to maximize your screen to read your clips)

---

TOPIC	PAGE
*Adoption	2-14
Food Assistance	15-23
*Foster Care	24-26
Health Care	27-36
Child Abuse/Neglect/Protection	37-44
Child Custody	45-48
Domestic Violence	49
Juvenile Justice	50
Charities	51-52
Minimum Wage	53-54
Appointment	55

# Opening hearts, home Adoption Day highlights parents' commitment

Wednesday, November 23, 2005

BY LIZ COBBS

Ann Arbor News Staff Reporter

Tila Havlik bounced through the front door with a spring in her step. She had just come home from Huron High School.

Tila (pronounced Tee-la) approached her mother, Lynne Havlik, who was sitting on the couch. Her father, David Havlik, sat in a chair nearby. A fire crackled in the fireplace of their cozy living room in their Ann Arbor Township home.

"Mom, can I use your computer for a report?" asked 15-year-old Tila, wearing headphones and holding a CD player in her hand. "I have to write about Paris." Her mother gave her approval. The Havliks were foster parents in 1990 when 5-week-old Tila was placed in their home. She had been diagnosed with a kidney-based illness and needed 24-hour medical care.

"They told us not to make an emotional investment in her because she probably wouldn't live past 3 years old," said Lynne, a nurse by profession. David Havlik is a self-employed mason. Tila surprised them all and survived. When she was 2, the Havliks, who already had four biological children, adopted her. Tila would be the first of seven special needs children the Havliks would adopt over the next 15 years.

On Tuesday, David and Lynne Havlik gave moral support to and briefly shared their story with other adoptive families during the third annual Michigan Adoption Day at Washtenaw County Circuit Court.

Washtenaw was among 40 Michigan counties participating, making it the largest Adoption Day in the country for the third year in a row, according to the Michigan Department of Human Services and the Michigan Supreme Court, which cosponsored the annual adoption event. Locally, eight families finalized adoptions. Statewide, more than 270 adoptions were finalized Tuesday, meaning those families had the "courage to tell children, 'Yes, I want you in my life, I want you to be my child,'" said Michigan Court of Appeals Judge Kurtis T. Wilder, at a reception for adoptive families in Washtenaw County.

The DHS comes into a family's life during times of crisis, but having a day like Adoption Day is when the "best of human nature" is seen, it's when "you see the commitments that adults have made to our children," said DHS Director Marianne Udow, who also spoke at the reception. According to human services figures, 2,684 adoptions were finalized through DHS offices and private adoption agencies during fiscal year 2004, an increase over 2003, when 2,469 adoptions were finalized. Of the total number of adoptions in 2004, 93 percent of the children were adopted by a relative or foster parent.

Washtenaw County's adoption specialist Monica Ireland-Hicks expects just under 120 adoptions this year.

Ireland-Hicks said she does not know why adoptions have declined over the past couple of years, but she has had prospective adoptive parents tell her they wanted to adopt children from overseas. The parents say they're less worried about a birth parent "showing up and knocking on

their door wanting the child back or a loophole in the U.S. adoption process that might reverse the adoption."

Adoption specialists say older children, minority children and sibling groups are harder to place. Often, children have social, emotional or psychological needs, sometimes because of abuse and neglect that caused them to be taken out of their birth homes, specialists say.

Val Gaitskill, adoption specialist with HelpSource, the largest social service agency in Washtenaw County, said she tells prospective adoptive parents about a child's history, including how many foster care placements a child has been in, whether a child has a physical, emotional or mental health impairment and whether a child has siblings who also need to be adopted.

"If you share their past life experiences (to prospective adoptive parents), that seems to open their heart," Gaitskill said. "I look for people who open up their heart first before they open up their home."

Back at the Havliks' home, the couple said they first opened their doors in 1987 by becoming foster parents. They've fostered about 30 children and adopted seven with different special needs, who now range in age from 15 to 2. The couple, who also have two grandchildren, talk about the frustrating times and numerous problems they've had over the years, such as a child's health scare or an agency not wanting them to adopt a child because of race. The Havliks are white. Six of their children are black, one is biracial.

"With adoption in general, the question we're asked the most is 'why are you doing this?'" said David Havlik.

"I think that we're both purpose-driven, and we love what we do," Lynne Havlik answered.

Tila, sitting on an arm of the couch by her mother, said she's sometimes questioned by students at school about being adopted.

"Personally, I don't mind being adopted," said Tila, who also has contact with her birth family.

"Sometimes you miss your (birth) family, but there's nothing wrong with being adopted by someone who loves you."

Liz Cobbs can be reached at [lcobbs@annarbornnews.com](mailto:lcobbs@annarbornnews.com) or (734) 994-6810.

Published November 23, 2005

## **Hearts join on Michigan Adoption Day Judges finalize 270 adoptions throughout state**

By Kelly Hassett  
Lansing State Journal

Although 1-year-old Hannah became Amy and Dan Hayes' daughter Tuesday on Michigan Adoption Day, it feels like they've been a family much longer.

"She was always in our hearts. And now it's official," a tearful Amy Hayes said minutes after she and her husband legally adopted Hannah, who is originally from South Korea. "Now she's ours forever."

Hannah was one of six children whose adoptions were finalized Tuesday by Ingham County Family Judge Laura Baird.

About 270 adoptions in more than 40 counties were scheduled to be approved Tuesday throughout the state.

Many of Ingham County's adoptions were through the Department of Human Services' foster care system, and some - such as Hannah's - were private adoptions.

Amy Hayes said she and her husband wanted to adopt a child so their 7-year-old daughter, Abby, would have a sibling. They originally thought they would adopt an infant, but Hannah's picture changed their minds. "She was love at first sight," Amy Hayes said, looking at Hannah, who wore a red dress and held a tiny red purse.

The adoption process is challenging and emotional but so rewarding, said Janet Kaley, adoption services supervisor with the Department of Human Services in Ingham County.

"A lot of the year is spent helping people try to resolve the issues before, during and after adoption," Kaley said. But "this is a day that I enjoy."

Statistics show a child's chances of being adopted decline after age 11, and it's often challenging to keep siblings together through the adoption process.

But Ramon, 11, and his 3-year-old sister, Grace, beat two sets of odds Tuesday.

DeWitt residents Tammy and Joel Brown adopted them both, joining them with their two brothers Paul, 2, and Isaac, 1, whom the Browns previously had adopted.

They join the couple and their three daughters, ages 8, 7 and 5.

The family of nine, plus relatives, took up most of Baird's courtroom Tuesday afternoon as the children reached for the judge's gavel and posed for pictures.

"Our goal is to keep siblings together," Tammy Brown said. "Some day they'll be ... out in the world making a difference."

Contact Kelly Hassett at 267-1301 or [khassett@lsj.com](mailto:khassett@lsj.com).

### Adoption resources

The Third Annual Michigan Adoption Day is sponsored by the Department of Human Services and the Michigan Supreme Court. For more information:

- On children awaiting adoption in Michigan, go to the Michigan Adoption Resource Exchange at (800) 589-6273 or log onto [www.mare.org](http://www.mare.org).
- On children awaiting adoption in the United States: [www.adoptUSkids.org](http://www.adoptUSkids.org).
- On public adoption policies and data: [www.michigan.gov/dhs](http://www.michigan.gov/dhs), and click on "Adoption."
- On National Adoption Day: [www.nationaladoptionday.org/2005/index.asp](http://www.nationaladoptionday.org/2005/index.asp).

Wednesday, November 23, 2005

## Michigan celebrates adoption Special day unites children with their new parents

By Jennifer Chambers / The Detroit News

**PONTIAC** -- Darlene and Robert Discher struggled for 12 years with pregnancy losses, in vitro fertilization attempts and infertility before their dreams came true.

Sitting before them Tuesday were their three smiling children: Chas, 9; Douglas, 6; and Michael, 3 -- all adopted and all official members of the Discher family of Walled Lake.

"At first I thought it might just be one," Darlene said of adopting Chas, her first child. "But after having one, we got hooked."

Michael, a quiet, brown-haired toddler, was the Discher family's latest adoption and one of 270 adoptions finalized and celebrated Tuesday across Michigan as part of Michigan Adoption Day.

More than 40 Michigan counties participated in the event, which takes place on the Tuesday before Thanksgiving, making it the largest Adoption Day in the nation for the third year in a row.

From wide-eyed newborns to soft-spoken adolescents, 19 children were adopted Tuesday in Oakland County Circuit Court. Wayne County had 15 adoptions and Macomb County 11.

The children came from a variety of backgrounds: some had been permanently removed from their birth parents for neglect and abuse, some were adopted by a step-parent, one child had been left at a hospital under the state's Safe Delivery of Newborns law, while others, like 16-month-old Derek Steele, were the result of international adoptions.

Sitting before Judge Martha Anderson, Dawn and Chris Steele of Lake Orion waited for the words they longed to hear after hiring an adoption agency to match them with a child in South Korea.

"This is your baby now. It's official," Anderson told the couple as Chris gave his son a bear hug and Dawn clapped her hands and cried, "Yeah!"

"He has been home with us since March 18 but it is official now. We are always going to be his mommy and daddy," Dawn Steele said.

Judge Eugene Arthur Moore, who was recognized Tuesday for his work as an Oakland County probate judge, thanked the thousands of adoptive and foster parents who he said have made the world a better place by taking children into their homes.

"You've gone one mile further than those who've had their own children," Moore said.

While Tuesday was a day of tears, hugs and joy for the new parents and their children, some 4,400 children in Michigan's foster care system are still waiting to be adopted. Most children who are waiting for a family are older, minorities or members of sibling groups.

For information

For information on children awaiting adoption:

- In Michigan: call Michigan Adoption Resource Exchange at (800) 589-6273 or go online to [www.mare.org](http://www.mare.org)

- In the U.S.: [www.adoptUSkids.org](http://www.adoptUSkids.org)

- For information on public adoption policies and data, go to [www.michigan.gov/dhs](http://www.michigan.gov/dhs) and click on adoption

In Oakland County adoptive families gathered in an "adoption reception room" where new parents and their children had their photographs taken with judges and kids had free access to animal crackers, juice boxes and balloons.

Like most first-time parents Joe and Anita Miller juggled a stroller, a diaper bag and a sippy cup as they tended to their two adopted children, Ava, 2 and Isaac, 7 months. The Millers, formerly of Ferndale but now Ohio residents, were at Ava's birth and have an open adoption policy with the birth parents of both children.

Asked what he most looks forward to with his new children, Joe Miller, a stay-at-home dad, says: "A normal family life, every milestone. He started crawling a month ago," Miller said.

"The same things other families look forward to."

*You can reach Jennifer Chambers at (248) 647-7402 or [jchambers@detnews.com](mailto:jchambers@detnews.com).*

# Ceremony seals bonds between children and their new parents

Wednesday, November 23, 2005

By Barbara Walters

[bwalters@kalamazoogazette.com](mailto:bwalters@kalamazoogazette.com) 388-8563

By age 9, she'd lived in nine foster homes.

But on Tuesday, Holly officially became the daughter of Robert and Norma Reed.

The 11-year-old girl was adopted in ceremonies before Kalamazoo County Probate Judge Donald Halstead and Michigan Supreme Court Justice Clifford Taylor, who came to Kalamazoo to highlight the state's annual Adoption Day.

"When God opened our door to you, he saw the hard path you'd had to walk," Norma Reed read to her new daughter at the hearing, one of several dozen held Tuesday in the Kalamazoo County Circuit Court.

Reed, 56, had to wipe away tears to read words she had written for the occasion. "A new path is now open. I promise to walk it with you."

A dozen of Holly's new extended-family members -- uncles and grandparents, sisters and aunts -- were there in court to welcome her. You are already one of us, they told her.

Then Holly, resplendent in a new taffeta skirt with a velvet top, read the speech she had carefully printed out, double-spaced, with a message for each of them.

"My new dad is cool because he takes me fishing," she said.

Norma Reed and her husband, Bob, 57, own a convenience store on Douglas Avenue. With four grown children of their own, four other adopted children and a hectic schedule, they hardly needed another child in their lives. Then Holly came to them as a foster child two years ago, and the Reeds began to think again of adoption.

"Are you crazy?" Norma Reed recalled of what friends told her.

But it was too late. Giving up Holly would have been like "ripping out our hearts," she said.

Holly thinks of others before herself, Bob Reed said. His wife nodded in agreement.

"It's quite an honor to adopt her," she said.

Outside the courtroom waiting for their own hearing were Doreen Cooks, 50, and her three grandchildren, twins Joshua and Jordan, 3, and the boys' sister, Quyndrea, 10. According to Cooks, her daughter could not take care of the children. They have lived with Cooks for nearly three years.

Cooks had already raised a family. Raising another one was not originally in her plans.

"To be honest with you, I think I'm a little too old for this," she told judges Patricia Conlon and Taylor once inside the courtroom.

But she could never give those children up.

"So whether they want me or not, I'm theirs," she said.

Many of the approximately 300 children a year who are adopted in Kalamazoo County, after a court decides the rights of their biological parents should be terminated, are step-children and grandchildren, Halstead said.



Karen Bagley was in court Tuesday adopting the fifth of her grandsons. Their mother was overwhelmed, Bagley said.

“She could not take care of them, and I couldn’t say good-bye,” the 49-year-old grandmother said.

“I love kids,” Bagley said. “I love them. I want to know they are safe. I need them.”

# **FAMILY MATTERS Michigan Adoption Day helps local family make it official**

Wednesday, November 23, 2005

By Steven Hepker  
shepker@citpat.com -- 768-4923

Jaimie Williamson pounded the judge's gavel and declared her adoption proceedings adjourned. It was just one of the perks of being adopted on Michigan Adoption Day.

"I'm really going to let you do something special," Circuit Judge John McBain said as he invited Jaimie to sit at his bench and strike the gavel.

"There is nothing more pleasurable in my job than finalizing adoptions," McBain said.

Family Court judges McBain and Susan Vandercook each conducted ceremonies for families putting the last touch on the adoption process. Some were arranged by Jackson County Circuit Court Family Division and others by Lutheran Social Services.

Adoption Day, celebrated across the nation, is set aside during Thanksgiving week to promote adoption.

David and Tracey Williamson have been married three years. He has a child in another state, and she had three daughters and a son: Samantha, 15; Dylan, 13; Jaimie, 11; and Cheyenne, 10.

David adopted Cheyenne last year, and Jaimie on Tuesday.

"The girls came to us with the idea," David said as the family enjoyed refreshments and Jaimie opened a gift package from Trinity Wesleyan Church. They called him Dad long before any papers were filed.

Earlier, in McBain's courtroom, the family was too emotional to speak, but great-grandmother Janet Watts stepped forward.

"To Dave, thank you for stepping up and being a real man. There are many fathers in the world, but few men," she said. "You are a good person and you will do the best you can."

Most adoptions are within biological families, or foster families. In cases where parents are not fit, relatives are the first choice.

"We do need more foster parents and families willing to adopt, especially older children," county adoption coordinator Terralyn Brown said.

While there are waiting lists for private adoptions of babies, parents who think they might want to adopt can expedite the process by first becoming foster parents.

Officials for Lutheran Social Services said the agency has placed more state wards from foster homes into adoptive homes than any other agency. It arranged 224 adoptions in 2004.

# Family forever

Kelly Nankervis, Midland Daily News 11/23/2005

After being ordered to give their first foster child back to her biological mother after two months, the Creasmans were "gun shy" about getting too attached to their second foster child, Gabriel. "We didn't name him at first," Bobby said. "You felt like somebody was constantly pulling you back," Katy said. "It's nice to know that he is ours. No one can doubt anymore," she said about the relief she felt on Tuesday.

The giggles of small children and coos of babies, clapping and the smack of a gavel welcomed 14 children to their new families Tuesday at the Midland County Courthouse.

The children, ranging in age from 7 months to 17 years, were adopted in the third annual Adoption Day Celebration, which was presided over by Midland County Probate Judge Dorene Allen and Michigan Supreme Court Justice Marilyn Kelly.

"Today, we all are witnessing a miracle human beings helped happen," Kelly said before the adoptions began. During the day, 275 adoptions were finalized in the state.

This year, there were bears for the kids who wanted them, suckers personalized with each child's name, and special light-up pens that Allen and Kelly used to sign the orders placing children with their new parents -- some foster parents, one a dad adopting his wife's son, and some couples wishing to adopt a child.

Bobby and Katy Creasman of Midland were the second family to become complete in the celebration, adopting Gabriel, 9 months old.

"It's been an absolute incredible blessing to have him in our lives," Bobby Creasman told Allen before she signed the order.

Gabriel has lived with the Creasmans since he was 5 weeks old, and now has them spellbound with his little personality.

"He's supposed to be with us," Bobby later said.

Gabriel's life didn't start out with the safety and security of a family. Katy explained that his birth mother did not tell anyone she was pregnant, and already had children.

Gabriel lived with another foster family for his first five weeks, and until Tuesday, didn't have an official name.

"Baby Boy was his name," Katy said.

Gabriel now has a few nicknames, Gabe for one.

"Bobby usually calls him 'Thug' because he's always beating me up," Katy said, laughing.

Gabriel is a healthy little guy, and gets into everything and even has a few favorites already, the Creasmans said.

"He loves his little toothbrush," Bobby said, adding his other favorite is a stuffed animal sheep.

"This boy can down some biscuits and gravy," Katy said. "He likes anything."

Bobby and Katy don't have children of their own, and decided adoption was the way to go after moving to Midland from North Carolina because of a job. Before Gabriel, they cared for a baby girl, until her mother changed her mind about giving up her daughter.

"He's definitely made it worth it," Bobby said.

In the courtroom, Allen and Kelly posed for photographs with all the adopted children and their new families, and allowed the children to use the gavel to close their own proceedings.

The adoptees also signed a quilt, made by workers at the Department of Human Services, that hangs year-round in the probate court.

# Sisters now have a family

Wednesday, November 23, 2005

SCOTT DAVIS  
THE SAGINAW NEWS

Two-year-old Celine and 6-month-old Antoinette may not realize it, but they have much to give thanks for when they nibble on turkey Thanksgiving Day.

Their biggest blessing? Just seeing one another across a dining table.

Half-sisters by birth, the Saginaw Township children were products of a broken home and nearly were cast adrift in a state child protection system that might have placed them in separate residences.

But Tuesday, Steve and Rhonda Krugielki eliminated those fears as they formally adopted Antoinette and gave her a permanent home in the township with Celine, whom they adopted earlier this year.

"The chances are they wouldn't be together," said 27-year-old Rhonda Krugielki, the girls' biological aunt who has cared for them since shortly after their births. "We were the only chance for both the kids to be part of the same family, for them to see each other."

Antoinette was among 13 children who found adoptive families Tuesday in Saginaw County as part of the third annual Michigan Adoption Day.

Some toddled. Others bounded. But nearly all of the children -- between 10 months and 12 years old -- seemed eager to receive their adoption certifications from Probate Judge Faye M. Harrison during a ceremony at the State Office Building, 411 E. Genesee.

Harrison said the event's goal was to highlight the need for adoption of thousands of children statewide. State adoption officials and judges are finalizing greater numbers of adoptions than a decade ago under a new streamlined process, but they still can't keep pace with the number of children who need homes.

Last year, Harrison approved 86 adoptions of children through the Saginaw County Department of Human Services, but 108 more children became available for placement, said Ann Shea, the department's supervisor of foster care and adoption.

The department now has 180 children available for adoption; in nearly all cases, a judge has terminated the rights of the biological parents because of abuse or neglect.

"There's always a need," Shea said. "We never get caught up."

Aside from a plea for adoptive parents, the event showcased the joy of youngsters finding permanent homes.

"To infinity and beyond!" exclaimed 9-year-old Deondre Reason, minutes after his adoption by his biological great-aunt, Janice Reason, 37, of Saginaw.

Meanwhile, Deondre's brothers whom Reason also adopted -- 12-year-old Tony and 7-year-old Nehemiah -- were letting loose of their energy by doing cartwheels and flips in the state building's parking lot.

"It's certainly different to be their momma," said a laughing and exasperated Janice Reason, who has cared for the brothers for two years. "This is going to be a wonderful Thanksgiving, especially for the boys."

Janice Reason and the Krugielkis are typical of many of the parents who adopt children through the state Department of Human Services. Shea said relatives or foster parents adopt 93 percent of the children.

Felicia Little, 24, and her husband, Michael, 27, fall into that mold too. The Saginaw couple nearly doubled the size of their household Tuesday by adopting her biological nephews -- 9-year-old Robert, 7-year-old Dyjuan -- and their 5-year-old niece, Felicia.

They already are raising their own biological sons -- 7-year-old Miesha and 4-year-old Niesha -- and they hope to adopt their 10-month-old nephew, Michael, next year. They now are caring for him. Felicia Little said her main goal is to keep all the siblings together, and she was breathing easier Tuesday when the children had their certificates in hand. The adoption process included weekly visits from foster care and adoption workers beginning in July, when a judge ruled the children's biological mother could not properly care for them.

"It's very calming now," Little said. "I didn't want anything to go wrong."

Adoption workers say most children have lived months or years with their new parents, making the transition easier. Celine Krugielki certainly seemed no exception, as she played with her adoptive parents before the ceremony.

"Who am I?" Rhonda Krugielki asked.

"Momma," Celine laughed.

Rhonda Krugielki wasn't surprised: "We've been momma and daddy since the day both (girls) came into our home," she said.

Scott Davis is a staff writer for The Saginaw News. You may reach him at 776-9665.

# Free meals served for Thanksgiving

Wednesday, November 23, 2005

BY GEOFF LARCOM

Ann Arbor News Staff Reporter

A restaurant that normally abounds with pizza and Italian fare will take time out from its normal routine Thursday morning to serve its traditional Thanksgiving dinner to the needy and the homeless.

The Original Cottage Inn in Ann Arbor is among a number of area organizations that will be serving free Thanksgiving dinners this week.

St. Andrews Episcopal Church in Ann Arbor will serve hot breakfast 7:30-8:30 a.m.

Thanksgiving morning at 306 N. Division Street. For information, call (734) 663-6439.

The Original Cottage Inn, at 512 E. William Street will have turkey, stuffing, vegetables, cranberries, rice pudding, rolls, coffee and beverages served between 10:30 a.m. and 2 p.m.

Thanksgiving Day. The restaurant usually serves about 500 dinners, and the meal is staffed by volunteers. For information, call (734) 663-3379.

The Salvation Army will have turkey, mashed potatoes, stuffing, green bean casserole and cranberry sauce 11:30 a.m.-12:30 p.m. today at 9 S. Park St. in Ypsilanti. To volunteer or make a donation, contact Maj. John Klammer at (734) 482-4700.

Holy Trinity Church at 511 W. Forest in Ypsilanti will hold its traditional luncheon 11 a.m.-1 p.m. Thursday. To donate food or money, call (734) 482-1400.

Dimitri's Kitchen, 11511 Belleville Road, will hold its traditional free dinner 4-9 p.m. today. The restaurant served about 1,700 people a year ago. To volunteer or make a donation, call (734) 699-7555.

Ypsilanti Meals on Wheels will deliver Thanksgiving dinners to about 130 homebound and disabled residents from 10 a.m.-noon Thursday. While it is too late to volunteer for Thanksgiving, the organization is looking for meal delivery help for Christmas and New Year's Day. Call (734) 487-9669.

# **Holiday food baskets requested**

Midland Daily News 11/22/2005

Many Michigan National Guard members are serving overseas while their families remain alone during the holidays. The Michigan National Guard Adopt-a-Family Program pairs Guard families with individuals or organizations who want to Adopt-a-Family experiencing financial hardship during the holidays.

The Adopt-a-Family Program is coordinated through Michigan National Guard Family Assistance Centers located across the state. The program is seeking individuals or organizations to donate a Thanksgiving or Christmas food basket or other holiday gifts.

Today, approximately 2,300 soldiers and airmen are deployed across the globe.

For more information, or to donate a basket, call April Clipper of the Michigan National Guard Family Assistance Centers -- (East) at (989) 835-8543.

This center serves Arenac, Bay, Clare, Genesee, Gladwin, Gratiot, Huron, Isabella, Midland, Saginaw, Sanilac and Tusocola counties.

©Midland Daily News 2005



Local News

## **More than 400 baskets**

Tony Lascari, Midland Daily News 11/21/2005

More families are getting Thanksgiving gift baskets this year from a group of local churches and organizations hoping to ease their burdens in the holiday season.

Dean Tobey, a member of Aldersgate United Methodist Church who coordinated the effort with his wife, Elaine, said more than 400 families will be helped this year through the gift basket program. Last year the number was just above 300.

"Hopefully it gives people a little bit of help, especially around the holiday season," Tobey said. "It gives them some food and support, and one less thing they have to worry about for right now."

People in need are referred by the Midland County Emergency Food Pantry Network and the Department of Human Services, Tobey said. He estimated 1,300 people will be helped by the donations, most of which were delivered Sunday to Aldersgate.

He said the church fellowship hall is taken over by the food, which members sorted and packed before people arrived to pick up the baskets.

"Probably this year we will have around 1,000 bags of groceries, 4,000 pounds of potatoes and 250 turkeys, plus donations to buy more," Tobey said.

Besides the food donations, personal care items also are collected.

Tobey said the program has been going for more than 20 years, and this is the second year he and his wife have coordinated it.

"What's been great about it is all the support we get in the community and people helping out, all the organizations," he said.

Tobey said many local churches get involved in the volunteer effort, which grows each year. He estimated about 175 people helped collect, sort, pack and distribute the food.

People interested in donating money can send tax-deductible gifts to the food pantry network at Midland County EFPN, P.O. Box 2521, Midland, MI 48641-2521.

©Midland Daily News 2005

# Turkey food drive a success

Wednesday, November 23, 2005

By Lauren Grover  
For the Citizen Patriot

Thankfulness abounds this week for the families of Northeast Elementary School students who received one of the 48 Thanksgiving baskets put together through the school's top turkey food drive.

The event raised more than double the money and food donations from last year.

Kindergarten teacher Lisa Record was named top turkey as a result of her classroom bringing in the most donations for the drive, and was crowned this morning with a feathered top hat. Started by the school's parent-teacher organization, the drive allowed students to bring in quarters or food items in exchange for paper feathers from Nov. 2 to 22. Students covered their teacher's turkey cut-out with the feathers, hoping to earn their teacher the top turkey award and a pizza party.

"They have done such an awesome job," PTO treasurer and parent Pamela Uhl said.

A total of 11,225 feathers were accumulated this year, the equivalent of around \$2,000 in money and food. Record's class won the top turkey award with 1,330 feathers.

With around 90 percent of Northeast students on free or reduced-priced lunch, Uhl said it meant a great deal to have the baskets going to families of students.

"They're helping other families, kids at their own school," Uhl said.

Along with organizing the drive, PTO president and parent Cary Johnson helped deliver baskets to families in the last three days.

Each basket contained a pre-cooked ham, a dozen eggs, a dozen rolls, six cans of vegetables, four cans of soup, two cans or boxes of potatoes, a dessert, tuna fish, peanut butter and jelly, Jell-O mix, and a \$5 gift certificate for extra grocery needs for the Thanksgiving meal. PTO members and 160 parent and grandparent volunteers helped to cut feathers, prepare baskets and organize food donations in order to make the drive possible.

"The teachers are overwhelmed by it, emotionally, and so am I, because we did 32 baskets last year and none of those names were re-picked this year," Johnson said. "Those kids are still in our school, but there are other families who need it this year. Every kid should get one."

The drive's surplus of donations will stock the school's first food pantry and also will provide the opportunity to prepare emergency food baskets for families in the following months.

"As teachers find that there's a need for a kid, we'll just gather up a food basket for them and deliver it to their house," Johnson said. "Also, all parents will receive a note home, and if they need something they can come on in."

## Small hands, big help

Kathie Marchlewski, Midland Daily News 11/17/2005

Patty Martin hugs her son, Zak, after he and his second-grade class finished their Empty Bowls performance at Woodcrest Elementary on Wednesday. "He could hardly sleep last night," she said of her son's anticipation for the show. (Daily News/RYAN WOOD)

The second-grade hands at Woodcrest Elementary School are small, but the impact the students will have in Midland County this holiday season is not, and neither is a recent lesson learned.

Three classes, a total of 74 students under teachers Brenda Simmons, Nancy Metz and Jackie McGee, joined in recent weeks to recognize that they can help those in the world less fortunate.

Taking part in the national Empty Bowls Project, children created bowls symbolic of the empty ones that some children in struggling families face regularly, and created a pot – a monetary one – to give to local families needing to fill plates.

"They're just like you and me," Simmons told her students. "It might be that right now they've lost a job."

Along with sculpting the clay bowls, which were fired, glazed and painted, children gathered canned and other non-perishable food items that will be donated to Midland County's Emergency Food Pantry network.

"It's helping the people in need," said Johnathan Small, 7.

The items, donated by the whole school, amount to at least a carload full of bags and boxes. The goods will be stuffed into holiday gift baskets and accompanied by certificates families can use to purchase Thanksgiving Day turkeys.

"I feel good that I can help others," said Logan Cummings, 8. "It's like friendship."

Working on the project and peering into their empty bowls provided children with a knowledge about struggles across the nation and around the world.

"There are many people in the world who are poor," said John Ingold, 8.

And the children understand that need doesn't exist only in faraway places.

"There are people in Midland who can't afford anything to eat for Thanksgiving," said Shannon Kilbride, 7.

That was the understanding teachers hoped to instill with the empty bowl project, now in its 12th year at Woodcrest.

"It's a tradition," said Metz. "The children now are aware of people who don't have food. It's a reminder of all the empty bowls in the world."

There was some concern about the success of the fund-raiser this year, because of the demands of catastrophes such as Hurricane Katrina. Despite the influx of needs, the children managed to raise more than \$1,000 between dollars and in-kind donations of food. The cash contributions topped \$900, including \$100 raised by kindergartners, whose parents donated change to be used in counting exercises and then given to the effort afterward.

"It makes us feel good," said 7-year-old Cameron Krueger. "It's going to help out a lot."

A silent auction for three larger bowls crafted with help from the children and decorated with autumn leaves boosted donations by hundreds, with each bringing bids of more than \$100, and one going for \$400. Children entertained bidding parents with an hour of song and snacks following lunch on Wednesday.

"The bowls really edged it up," Metz said. "It just shows the generosity of this community."

The Empty Bowls Project performance was filmed as part of a class project for Video Communications at H.H. Dow High School and will be aired and repeated on cable channel 17, the Midland Public Schools Channel, before Thanksgiving. It will be shown as part of "Zoom in on Schools." The time is yet to be announced.

©Midland Daily News 2005

## **St. Brigid students learn lesson in giving**

Angela E. Lackey, Midland Daily News 11/23/2005

The children of St. Brigid Catholic School were ready to give their cans of vegetables, fruit and more for the hungry. First, though, the Rev. James Wm. Bessert asked them why it was important to give to the less fortunate. A kindergartner was ready with an answer.

"When you think you're rich, you're not really rich," Samuel Rosborough, 5, said. "God makes us rich."

"I quit," Bessert joked, the group laughing.

Principal Maureen Becker of St. Brigid Catholic School said students have been collecting the non-perishable food items for the past two weeks. The food will be given to people through the church's Helping Hands food pantry.

The students filed into the church's sanctuary Tuesday afternoon, each dipping their fingers into a small container of holy water.

The altar was covered with the bright fall colors of pumpkins and gourds. Wicker baskets were waiting to be filled. The children carried up their food and added to the baskets. There were Pop-Tarts and Ramen noodles, macaroni and pancake syrup.

"It felt good. We're helping people," said Aaron Herbert, 10, who was an altar server during the Mass.

People also need food throughout the year. Becker said anyone can get food from St. Brigid's food pantry. People can pick up food during the church's regular office hours, 9 a.m. to 4 p.m. Monday through Friday and 9 a.m. to 1 p.m. Saturday.

The community also can go to St. Brigid's for Thanksgiving dinner. Mass starts at 12:05 p.m. and dinner follows. Everybody is welcome and there is no charge.

Local News

## **New food bank to serve west Midland's needs**

Tony Lascari, Midland Daily News 11/23/2005

Today is the opening day of the Helping Hands Food Pantry at Midland Christian Church.

Associate Pastor Troy Haukedahl is excited about the new opportunity to serve people in the community.

"It's for anyone with a need," he said. "Our mission is to try and reach the west Midland area, but we're surely not going to turn anyone away."

The pantry will be open from 10 a.m. to 2 p.m. every Wednesday at the church, 1264 E. Isabella Road.

Haukedahl said they expect to give away a dozen turkeys today for Thanksgiving.

"Around the holidays there is a huge need, physically and spiritually," he said.

Haukedahl said in August the church organized a food drive that was "such a blessing" to the hundreds who were helped, and the church saw the opportunity to continuing providing help with food needs.

Gaila Bennett, pantry administrator, has spent about two months trying to get ready for the opening.

"(I am) excited and nervous, a little bit of both," she said. "It's just something new and different."

Meeting people's food needs is something she's wanted to help with for about four years, Bennett said. She said she has worked at food pantries before but never run one.

Bennett orders food and coordinates deliveries from Hidden Harvest and the Food Bank of Eastern Michigan. She said people can help the pantry by donating non-perishable food items or money at the church.

©Midland Daily News 2005

# **Bush signs foster care bill into law**

Date: Tuesday, November 22, 2005

Source: Associated Press

DATELINE: WASHINGTON

President Bush signed legislation Tuesday to allow for-profit therapeutic foster care agencies to receive federal assistance.

The bill, which passed the House 408-1 on Nov. 9, ends a restriction where only nonprofit groups can get federal money to help recruit and train families that accept children with special medical, psychological, emotional and social needs.

Rep. Tom Cole, R-Okla., sponsor of the legislation in the House, said that in his state, five of the 15 agencies that provide therapeutic foster care services operate under a for-profit model.

In many states these agencies contract with the state government to place and support children in appropriate homes, with nonprofit groups receiving funds from Medicaid and Health and Human Services Department programs.

Cole said the bill does not require states to contract with for-profit agencies.

House Democrats supported the bill, but characterized it as offering minor benefits to vulnerable children at a time Republicans are working on a giant budget-cutting bill that targets spending levels for several social service programs.

Sen. James Inhofe, R-Okla., sponsored the bill when it passed the Senate on Oct. 19 by unanimous consent.

On the Net:

Information on the bill, S. 1894, can be found at <http://thomas.loc.gov/>



## Foster care changes sought

Kelly Nankervis, Midland Daily News 11/22/2005

Monday morning, officials gathered to hear personal stories supporting why changes need to be made to the way foster care is conducted nationwide.

The first of six panelists at the Protecting Children, Promoting Families conference at the Ashman Court Marriott Conference Hotel described her experience with foster care, which began when she was removed from her mother's care when she was 15 years old. Jessica Lindsey told the audience that while she did not have the worst experience in foster care, she learned there are things all youths need.

The first foster parent she had became upset when her friends from home, including her 15-year-old boyfriend, began calling. That woman later dropped Lindsey back at the shelter where she had stayed.

"She said she was going to take care of me," Lindsey said. But, "she took me back like I was something she bought at the store."

Other placements led Lindsey to a realization. "Family is not blood for me," she said. "Family is an emotion."

Mark and Judi Bash had a different experience with foster care, one that ended with the death of the 8 1/2-year-old child, Shelly, they desperately wanted to adopt.

In January 1997, the Bashes were called to the University of Michigan hospital to see a newborn with a serious heart defect. After four surgeries, it was discovered the baby needed a new heart.

All the while, the Bashes wanted to adopt her.

"We just knew that we had to do this," Judi said. "She's our daughter."

They discovered that adopting Shelly would end Medicaid, making them responsible for her extremely high medical bills, and their own insurance would not cover the expenses.

Shelly was given her new heart, but her body rejected it.

One morning in March, Shelly and Judi were playing with dolls when Shelly sat up and cried out, "Mommy, help me."

"There was nothing I could do. Shelly died in my arms," Judi said.

Shelly's gravestone has the last name Bash, but it's not her legal name because the papers to adopt her sat on someone's desk in Lansing, Judi said.

These and other stories highlight the main changes that need to occur in foster care, said Michigan Supreme Court Justice Maura Corrigan. Corrigan was a participant in the national Pew Commission on Children in Foster Care, which pinpointed the changes that need to occur.

The current federal funding system is inflexible, punishing success and forcing states to keep higher numbers of foster kids to receive funding, she said, adding the goal should be to spend the money to keep families together and children safe.

The Pew Commission on Children in Foster Care also focused on improving the way courts handle foster cases.

Courts have a huge responsibility in the area of abused and neglected children, Corrigan said. She said there are numerous ways to approach the system, such as giving families more of a voice in proceedings, making each state's highest court accountable and encouraging collaboration between community agencies and the courts.

For more about the Pew Commission on Children in Foster Care, go to [www.pewfostercare.org](http://www.pewfostercare.org).

©Midland Daily News 2005

# Report faults high costs of Medicare drug benefit

By Christopher Lee  
The Washington Post

WASHINGTON — The new Medicare drug benefit fails to deliver drug prices as cheap as those found at the Department of Veterans Affairs, in Canada and at high-volume U.S. pharmacies, a congressional report said Tuesday. It was immediately challenged by a Medicare official as flawed and misleading.

The report, released by the Democratic staff of the House Government Reform Committee, found that the average prices of 10 popular drugs being offered to Medicare recipients through 10 well-known insurance plans were 80 percent higher than prices negotiated for the government by the VA. The Medicare prices were 60 percent higher than average prices paid by Canadian consumers, the report found. And they were about 3 percent higher than those paid by consumers who got their drugs at Costco stores or online through [Drugstore.com](http://Drugstore.com).

"The prices offered by the Medicare drug plans are higher than all four benchmarks, in some cases significantly so," the report concluded. "This increases costs to seniors and federal taxpayers and makes it doubtful that the complicated design of Medicare Part D provides any tangible benefit to anyone but drug manufacturers and insurers."

Gary Karr, a spokesman for the Centers for Medicare and Medicaid Services, said the report was "disappointing" but not surprising.

"It's disappointing because it's selective and misleading, and because of the timing," he said. As Medicare officials try to help seniors understand and enroll in the new benefit, Karr said, the report shows that Democrats are more interested in rehashing a political argument that raged before Congress approved federally subsidized coverage for seniors in 2003.

"Now the effort should really be about educating people and not continuing the same old rhetoric that they have been saying for two years," Karr said. "This is not a new expression of the policy views of the minority staff of the Government Reform Committee."

During the congressional debate two years ago, many Democrats argued that the way to obtain the cheapest prices for seniors would be to allow Medicare to negotiate discounts directly with pharmaceutical companies. Republicans maintained that the lowest drug prices would come through competition as scores of private insurers vied to attract seniors. The law establishing the benefit forbids the government from negotiating drug prices.

The Democrats' report, requested by Rep. Henry Waxman, D-Calif., the committee's ranking Democrat, contends that Republicans were wrong, and that prices are not as low as they could be even though consumers typically have at least 40 plans from which to choose.

For example, the 10 drug plans examined in the report offer the heartburn medication Prevacid for an average monthly cost of \$135 — far higher than the \$71 price negotiated by the VA, and more than the \$63 a Canadian consumer would pay. The same medication is available at Costco for \$128 and at [drugstore.com](http://drugstore.com) for \$125, the report found.

Some other well-known drugs studied included Celebrex, Lipitor, Plavix and Zocor.

Karr said the report did not consider the availability of less-expensive generic drugs, which are prescribed more than half the time.

Karen Lightfoot, Waxman's spokeswoman, said the 10 drugs studied do not have generic equivalents.

Copyright © 2005 The Seattle Times Company

# Drug Costs Run Free Under New York Medicaid

By MICHAEL LUO  
The New York Times

Published: November 23, 2005

Penlac Nail Lacquer rarely cures the nail fungus it is designed to treat, yet it costs \$130 a thimbleful. As a result, more than 20 state Medicaid programs and dozens of private health insurers require doctors to get advance permission to prescribe it. But not New York Medicaid, which spent \$12 million on the drug last year, more than eight times as much as any other state. New York spent \$74 million last year, far more than any other state, on Nexium, the "new Purple Pill" for heartburn. The drug is virtually identical to Prilosec, available at one-sixth the cost over the counter, and so at least 20 state Medicaid programs and many private health insurance companies severely restrict its use. Only now, two years after other states began imposing limits on Nexium, has New York moved to restrict it.

And those amounts are pocket change compared with the \$348 million or more that New York could have saved if it were as aggressive as a state like Michigan in setting the prices it pays pharmacies for the drugs they dispense. New York frequently pays many times more for drugs than Medicaid programs in other states.

For years, New York Medicaid, the state's health care program for the poor, has been an open-air bazaar for drug companies and their wares. Prescriptions that are severely restricted in many states are often dispensed freely here, and at higher prices, costing taxpayers hundreds of millions of dollars.

As a result, the state program spends more on drugs for each Medicaid recipient than any other state but West Virginia, according to federal statistics. While other states have tried to fight soaring drug costs, New York lacks even the most basic controls that dozens of other states and private health insurers have used.

"They call it the gold card," said William Scheer, president of the New York City Pharmacists Society and a pharmacy owner, referring to the state health care program. "You get anything you want with it."

New York Medicaid's spending on prescription drugs more than doubled in five years, to \$3.8 billion in 2004 from \$1.7 billion in 1999. Although some of the growth has been driven by the

general rise in prescription drug prices of about 6 percent a year, much of it can also be traced to New York's failure to spend its money more prudently, according to an investigation by The New York Times. The spending is another reason the state's Medicaid program is, at \$44.5 billion, by the far the largest and most generous in the country.

The costs can also be traced, in part, to years of industry lobbying in Albany. The nation's pharmaceutical companies have spent millions persuading state lawmakers not to adopt the kinds of controls that other states began instituting more than a decade ago. And pharmacist organizations have pressured the state program to pay pharmacies more than most other states for the drugs themselves.

This spring, New York finally adopted one of the most basic cost controls, a list that seeks to limit the drugs a doctor can prescribe, and officials of Gov. George E. Pataki's administration say they believe it will help rein in drug spending.

But even this bill has an unusual loophole that could undermine the restriction, allowing doctors to easily circumvent it. The loophole was supported by the pharmaceutical industry.

And it may now be too late for the bill to achieve the significant savings that would have occurred a few years ago. Beginning next year, Medicare, the federal health care program for the elderly, will pay for prescription drugs for many elderly people now on Medicaid, and Medicaid's reduced role will diminish its negotiating power with drug makers.

Congress also requires states to make payments to Medicare to cover some of the drug costs of people moving to that program, and the payments are based on the state's 2003 Medicaid drug spending. As a result, it punishes states like New York that were unusually generous in their drug coverage that year.

"It seems to me that they've sort of missed the boat on potential cost savings from these kinds of cost containment tools," said Jonathan Blum, who directs the handling of Medicaid issues at Avalere Health, a health care consulting firm.

#### Lobbying Against Controls

One of the most effective ways to reduce double- and triple-digit growth in Medicaid drug spending has been the "preferred drug list," used by more than 30 states and similar to lists long employed by private health plans and hospitals. Though New York has the nation's largest Medicaid budget, it has been years behind other states in trying to use these lists to control its costs.

The concept is simple. A state Medicaid agency, through a committee of doctors and pharmacists, selects the most effective medication in a particular class - for lowering cholesterol, for example - and lists it as the only one it will pay for. If another manufacturer wants its drug on the list, it has to lower its price substantially to be considered. Medications that do not make the list require special state approval.

Using the power that comes with controlling the preferred drug list, state officials can negotiate steep discounts from manufacturers vying for a place on the list. Some states have even combined their drug lists for greater negotiating power with drug makers, winning bigger discounts.

In 1991, California became the first state to adopt a preferred drug list for Medicaid. New York never attempted such a list until 2002, when Governor Pataki tried unsuccessfully to bypass the Legislature to create one. Lawmakers blocked the plan, and continued to resist similar efforts over three years. During that period, the proposal was the target of an expensive opposition campaign organized by drug companies.

The most pivotal opponents to the program were Hispanic lawmakers in the Democratic majority in the State Assembly, along with Hispanic advocacy groups, who wanted to retain an unlimited choice of drugs for Medicaid recipients. The Hispanic Federation, a coalition of health and social services agencies in the New York region, held repeated events in Albany to denounce the proposal, saying it endangered patients. Sylvia M. Montero, a longtime member of the federation's board, is a senior vice president of Pfizer, the nation's largest pharmaceutical company.

The federation has received financial contributions from Pfizer since the mid-1990s, including a \$50,000 donation last year, said Lillian Rodriguez-Lopez, the federation's president. The group also receives contributions from other drug companies, she said, but she denied that the money played any role in the group's opposition to the plan.

Assemblyman Peter M. Rivera, a Bronx Democrat and chairman of the Assembly's Puerto Rican/Hispanic Task Force, helped lead the opposition to the drug list. Since 2002, he has received more than \$20,000 in campaign donations from drug company interests, among the highest totals for state lawmakers.

"I am not doing this because I am in the pocket of the pharmaceutical companies," he said in an interview, explaining that he was opposed to limiting the drug choices of low-income recipients. "I am doing this because it's the right thing. The governor is trying to balance the budget on the backs of poor people."

Last spring, Mr. Rivera circulated a report among his colleagues saying that Hispanics as a group can react differently to drugs than others. As a result, the report said, pharmaceutical plans should cover a wide range of drugs because restricting them could force Hispanics to take some that are not appropriate for them.

While couching its conclusions in sober scientific language, the report was in fact a crucial weapon in the industry's campaign. It was issued by the National Alliance for Hispanic Health, an advocacy group in Washington that is heavily financed by pharmaceutical companies and has a corporate advisory board whose members are mostly pharmaceutical executives, according to the group's records.

The alliance worked on the report with the National Pharmaceutical Council, a trade group of major pharmaceutical companies.

Over all, pharmaceutical companies and trade groups, including Pfizer, Merck, Bristol-Myers Squibb and Eli Lilly, are among the biggest contributors to state politicians in Albany. Since 2002, they have given roughly \$2.5 million to New York candidates and committees on the state level, channeling most of it to the majorities in the State Assembly and Senate.

Pfizer, which fought the drug list most vigorously, gave about \$300,000 in campaign contributions last year alone, up from \$100,000 in 2002.

With concerns about ballooning Medicaid costs looming larger, the Legislature finally approved a preferred drug program this spring. But the legislation included a significant loophole - championed by pharmaceutical lobbyists - that allows any doctor to prescribe a higher-priced drug not on the preferred list with a simple phone call to the State Health Department. Medicaid cannot deny the request, and it must foot the bill.

Supporters said the loophole would protect patients against arbitrary drug decisions by the state. But many critics inside and outside the state say the loophole makes New York's program one of the weakest in the country.

"My concern is that this is establishing a preferred drug list that is not a preferred drug list at all," said State Senator Raymond A. Meier, a prominent upstate Republican who led a Senate task force on Medicaid reform.

Mark Trail, director of Georgia's Medicaid program, which has reduced its average drug costs with a preferred list, predicted that the provision would seriously cut into savings. "If you build a dam and let it fill up and you open one of the floodgates," he said, "it's going to drain the pond."

#### Lost Savings

In 2000, New York State adopted one useful tool to control drug costs: a "prior authorization" requirement that forced doctors to get special state approval before prescribing certain drugs that had the potential to be abused or over-prescribed. And then, in 2003, the Legislature took that tool away.

The department had made only limited use of prior authorization compared with other states, but the potential cost savings were clear. In Georgia, Medicaid spending on heartburn drugs dropped to \$26.7 million from \$50.1 million in one year after it put on prior authorization the expensive class of drugs that includes Nexium.

But the requirement became a victim of the fight over the preferred drug list. In 2003, after Governor Pataki proposed the drug list, lawmakers did more than just reject it - they banned the Health Department from requiring prior authorization for any new drugs.

The provision, intended to maintain the Legislature's control over the preferred drug list while it was being debated, was supposed to be temporary, but it stayed on the books until this spring.

And it ended up costing the state hundreds of millions of dollars, health officials now say.

Dennis P. Whalen, executive deputy health commissioner, said department officials were incredulous at the prohibition, because "this had been a very effective tool for us."

While pharmaceutical industry officials said they did not lobby specifically for the provision, they fought vigorously against strict prior authorization requirements, saying patients' lives could be endangered.

State Senator Kemp Hannon, chairman of the Senate's health committee, said Pataki administration officials had only themselves to blame for the loss of their prior authorization power, because they had initially tried to bypass the Legislature in creating the preferred drug program.

The two-year ban had significant potential costs to the state. If New York required prior authorization for Penlac Nail Lacquer, for example - as do many other states, and as New York officials said they were considering doing before the ban - it could have saved millions of dollars. Penlac completely clears up nail fungus in only 5.5 to 8.5 percent of cases, according to the manufacturer's own literature.

Siri Childs, chief of pharmacy policy for the Washington State Medicaid program, called the drug "almost entirely ineffective" and said state officials there rarely approved its use.

Yet in New York, one man has been prescribed \$9,500 worth of the drug since 2000, a total of 95 prescriptions, according to state records. One podiatrist wrote \$334,000 in prescriptions last year, to 687 people. Overall, the state spent \$12.2 million on the drug last year, compared with the next highest state, New Jersey, which spent \$1.5 million.

Requiring prior authorization for Nexium and other expensive anti-ulcer drugs earlier would have been another major cost savings. Between 2002 and 2004, the state spent \$157 million on Nexium alone, despite the availability of cheaper alternatives.

Only in October, however, four months after the passage of the preferred drug legislation, was the department finally able to require prior authorization for Nexium and drugs like it.



## Paying the Price

The most prescribed drug in the New York Medicaid program last year was albuterol, a generic drug used to treat asthma, which was dispensed more than 700,000 times. But did New York get a discount for all those prescriptions? Just the opposite: it paid about \$18.70 for a canister of albuterol, while Texas paid just \$6.63.

Omeprazole, a generic drug for acid reflux, cost New York Medicaid more than \$15 million last year. But the state paid \$3.67 per 20 milligram capsule, while California's program paid just \$1.44. In both cases, the extra money was pocketed by pharmacies across New York.

These examples are hardly anomalies. A 2004 report by the inspector general of the federal Health and Human Services Department found that New York and New Jersey consistently paid the highest price in the country on 28 drugs analyzed by auditors. In contrast, Michigan and Texas consistently spent the least.

The reason: those states have been far more aggressive than New York in setting lower reimbursement rates for pharmacists. New York, under pressure from the pharmacy lobby, has not kept up.

Medicaid programs do not buy drugs directly from manufacturers or wholesalers. Instead, Medicaid recipients get their prescriptions filled by pharmacies, and the state reimburses the pharmacies. (The system was set up, in part, to avoid having states get into the business of storing and distributing drugs.)

But states reimburse pharmacies using widely different rates. Michigan is less generous in its reimbursement rates, setting different rates depending on the size of the pharmacy. And a 2003 inspector general's report singled out the Texas Medicaid program for being more aggressive than others in demanding accurate wholesale price information from manufacturers, and using that as a guide in reimbursing pharmacies.

"The federal guidelines direct you to try to pay as close as you can to the pharmacy's actual cost and pay that pharmacist a reasonable dispensing fee," said Barbara Dean, a pharmacist for Texas Medicaid. "That's always been our goal."

But New York does not use the pharmacies' actual costs in calculating its reimbursement. Instead, it takes the published "average wholesale price," a figure provided by manufacturers that is generally far more than pharmacies really pay, and subtracts a set amount. Until recently, New York paid pharmacies 90 percent of the average wholesale cost for drugs in addition to a dispensing fee, one of the highest rates in the country. Many other states pay 85 percent of the average wholesale cost, or even less.

More than 40 other states also use a "maximum allowable cost list" for generic drugs, which uses actual prices from wholesalers to set the state's reimbursement rate. Though other states have found that the lists can save more than 25 percent of spending on generic drugs, which would amount to more than \$170 million in New York Medicaid, New York uses only a federal version that is much less aggressive and comprehensive.

The lack of limits on drug prices has been costly. In the 2004 inspector general's report, New York's potential savings by reducing reimbursement rates was the largest of all 50 states.

Auditors estimated that the state could save \$13 million, or 15 percent, solely on the 28 drugs they sampled if New York's rates were similar to those of other states.

Governor Pataki has tried twice in the last few years to slash the pharmacy reimbursement in New York. As part of his 2003-4 budget, he asked the Legislature to approve a reimbursement rate of 85 percent of the average wholesale price. After lobbying from pharmacy organizations, the Legislature agreed to 88 percent of the average wholesale price.

Last year, Mr. Pataki again asked for the reimbursement to be reduced, this time to 85 percent of the average wholesale price of brand-name drugs and 60 percent for generics. Again, under pressure from pharmacy groups - which nearly doubled their political contributions to \$156,000 in 2004 from \$83,000 in 2003 - the Legislature agreed only to 87.25 percent for brand-name drugs, and 83.5 percent for generics.

Nevertheless, according to an analysis by the Times, New York still pays an average of 7 or 8 percent more than Michigan for the same drugs.

Craig Burridge, executive director of the New York State Pharmacists Society, said cutting back on reimbursements would be disastrous for druggists - as New York pharmacies face higher operating costs than those in other states - and much less effective than other statewide cost controls.

The chairman of the Assembly's health committee, Richard N. Gottfried, Democrat of Manhattan, said Pataki administration officials had failed to prove their case, and that lawmakers had resisted further cuts out of concern for independent drug stores.

"The governor has a responsibility to show that his budget cut proposals are justified," Mr. Gottfried said. "He didn't do that."

The Ann Arbor News

LETTERS

Wednesday, November 23, 2005

## **Middle class will pay the bill for prescription plan**

The 2006 Medicare drug benefit is not only impossible to understand, it's designed to draw so much "blood money" from middle America. Those who have honestly tried to make ends meet will find themselves even further stranded on the edge of an economy which is so profit driven. The price of keeping families warm, of driving to their jobs if they have them or to a doctor or hospital when they need one, is now topped by an increase in medication cost which will come with the new 2006 prescription drug benefit. That benefit is one we have been led to believe will be a decrease in health care costs.

Passed in 2003 by the current administration, it was written mostly by the drug and insurance companies to confuse us. Why would they do this? The profits that will be realized for many years are enormous, and you and I will pay the bill that the drug companies charge Medicare.

It is not fair, and they know it. The fact is that they simply do not care. It's a different world, folks, and while we were not looking, they paid a lot of lawyers a lot of money to ensure that America, which uses the most medication, paid the most.

"Well" is not how Middle America will feel when they study this health care "abomination" and see just how badly America's middle class is being treated ... again.

Frederick P. Lohr, Ann Arbor

Kalamazoo Gazette

November 23, 2005

## **Medicare drug plan makes reader mad**

Having just read the Nov. 8 story on Medicare's new drug prescription plan, I am even more confused.

I wish those of us 65 and older on Medicare, who have some type of supplemental insurance but not from a work-related insurance, could band together and ask: ``What is going on?"

I have A and B Medicare coverage and supplemental insurance through AARP. I am 74, in good health except for needing two drugs -- one very expensive and the other, very inexpensive.

So now what am I supposed to do?

Try to estimate my future costs with medications before May 1 when I will be penalized for not subscribing to something?

This is really ludicrous and I just wish we all could say, ``Forget about it" and try something new, or leave it as is, or go to some kind of plan in the future that is available, when needed, for those who need it.

Please, let us at least give the option to Medicare to haggle on the cost of drugs with the pharmaceutical companies, which, according to this new system, they are not allowed to do.

Instead, we are giving the pharmaceutical companies an open doorway to our fixed incomes in our senior years.

I, for one, am really mad as heck about it.

How about the rest of you?

Alice Jeffers

Three Rivers

# Child molester gets 25 to 50 years in prison

Wednesday, November 23, 2005

By Steven Hepker  
shepker@citpat.com -- 768-4923

Robert Reaster sexually assaulted a now 10-year-old girl for nearly two years, forcing her to watch pornographic videos and then re-enacting the scenes.

"It will be amazing if this little girl is able to have normal development," Circuit Judge Chad Schmucker said Tuesday before sentencing Reaster to 25 to 50 years in prison.

Calling the repeated sexual assaults horrendous and shocking, Schmucker said sentencing guidelines of 10 to 17 years were inadequate for the case.

Jackson County sheriff's detectives and the prosecutor called it the most sickening sex crime they have investigated.

"He used her as a porn doll," said Detective Duaine Pittman, who attended the sentencing on his day off.

Reaster began sexually assaulting the victim when she was 8 1/2 years old, threatening her not to tell her parents, investigators said.

Reaster pleaded guilty to one count of first-degree criminal sexual conduct.

"He is a compulsive, unremorseful pedophile," said Assistant Prosecutor Allison Bates, who is also concerned the victim suffered irreparable emotional wounds.

Reaster, 33, who lived with the girl and her mother, performed multiple sex acts on the girl over 18 months, often mimicking acts he forced her to watch on sex tapes, Bates said.

Reaster's legal problems do not end there. Prosecutors recently charged him with trying to arrange a hit on the victim and her mother after he pleaded guilty. He likely will face a preliminary hearing in December on a charge of solicitation of murder.

A fellow county jail inmate told authorities Reaster asked him to arrange to kill two witnesses.

# Couple's defense to start

Wednesday, November 23, 2005

The Grand Rapids Press

GRAND RAPIDS –

The attorney for a Kentwood couple accused of abusing 12 of their adopted children was to begin calling witnesses today. Assistant Kent County Prosecutor Vicki Seidl, trying to terminate Beryl and Jerome Richards' parental rights, on Tuesday closed with testimony of a teenager who said children were beaten, fed spoiled food and forced to stand against a wall for hours. "I think they're mean people, and that if any of the kids do go back there, then they're just going to laugh in our faces," Seidl said of the couple. "They don't think they did anything wrong."

Local News

## **Kitchen sentenced to prison Man continues to proclaim innocence in sexual assault case**

By ERICA KOLASKI  
Tribune Staff Writer

CHEBOYGAN - A 39-year-old Cheboygan man was sentenced to serve 27 to 50 years in prison after a jury found him guilty on four counts of first-degree criminal sexual conduct.

James Edward Kitchen maintained his innocence throughout the proceedings and again at his sentencing Tuesday in 53rd Circuit Court.

"I am innocent. You guys are making a big mistake," Kitchen said before his sentence was handed down by Circuit Court Judge Scott Pavlich.

The charges stemmed from the testimony of a now 12-year-old victim, who said that Kitchen began sexually abusing her when she was around 7 years old, said Bill Keogh, assistant prosecutor for Cheboygan County.

"The defendant abused (the victim) over and over, for years and years," said Keogh. "He threatened her, told her that if she exposed him, she would be sent away, that she would never see her mother, her sisters, again."

Keogh said that Kitchen showed no mercy to the victim and that he should be shown no mercy at sentencing. Keogh asked the judge to sentence Kitchen at the higher end of the sentencing guidelines.

Pavlich reminded Kitchen that he had been found guilty by a jury. "The jury heard from her and they heard from you. They decided that you were guilty of these crimes beyond a reasonable doubt," he said.

Pavlich said that because of the nature of the crimes and the length of time that they continued and because Kitchen had time to think about what he was doing and to reflect on it, he should receive a tough sentence.

"These crimes are punishable by up to life in prison," he said.

Kitchen said that he plans to appeal the jury's verdict.

# Woman, 31, guilty of Internet sex with children

Wednesday, November 23, 2005

By John S. Hausman

MUSKEGON CHRONICLE STAFF WRITER

A Ravenna woman has pleaded guilty as charged to four felonies for using a Web cam to send live pictures over the Internet of herself and three minor children performing sex acts.

Jennifer Kay Phillips, 31, of 3806 S. Ravenna, Apt. 2, pleaded guilty Tuesday to three counts of child sexually abusive activity and one count of using a computer to commit a crime.

Before the pleas, 14th Circuit Judge Timothy G. Hicks committed to a minimum prison sentence of six years. By statute, the maximum is set at 20 years. The judge scheduled sentencing for Dec. 19.

The offense occurred in July, and Phillips was arrested in August.

Muskegon County Sheriff's Detective Shane Brown said the woman sent the images to a man she made contact with over the Internet. The investigation began after one of the children told a parent, and the parents contacted police.

The male and female children involved ranged in age from 7 to 15, police reported.

Police are continuing to investigate the role of the man at the other end of the line, whom they believe they have identified as a Maine resident.

"Additional investigation and search warrants resulted in identifying the likely location of the man on the other end," Brown said Tuesday. "Search warrants on his home have been completed. That investigation is continuing."

Brown said criminal charges against the man are likely in Maine based on material found in his home as a result of the search warrant.

Police said the woman would perform sex acts with each of the children in front of the Web cam after the man told her what to do.

The woman and children were nude, and several different scenarios occurred.



# Man faces charges in death of 5-year-old son

Wednesday, November 23, 2005

By Rex Hall Jr.

[rhall@kalamazoogazette.com](mailto:rhall@kalamazoogazette.com) 388-7784

A 29-year-old Kalamazoo man is facing charges in the death of his 5-year-old son, who was killed last month in a car crash on Miller Road, authorities said.

A two-count warrant issued Tuesday by the Kalamazoo County prosecutor charges Robert Lashea Gregory with operating a motor vehicle under the influence of drugs, causing death; and driving while license suspended, causing death.

Both are felonies punishable by up to 15 years in prison, authorities said.

Gregory was identified by Kalamazoo Department of Public Safety investigators as the driver of a 1993 Ford Escort that ran into a railroad overpass about 6:10 a.m. Oct. 24.

Investigators declined to speak in detail Tuesday about the charges against Gregory but have said that Gregory was traveling west on Miller Road when he lost control of the car and crashed just west of Glendenning Road.

Gregory's son, Robert Simmons, of Kalamazoo, died one day after the accident at Bronson Methodist Hospital.

Investigators have said speed was a factor in the accident. Gregory was wearing a seat belt and the child was properly restrained in the car when the accident occurred, Capt. Jim Mallery said.

Gregory's whereabouts were unknown Tuesday, Mallery said.

Records indicate Gregory was arrested in February for possession of cocaine and resisting and obstructing a police officer, Kalamazoo County District Court officials said.

That case was bound over to Kalamazoo County Circuit Court, and in April Gregory pleaded guilty under the state's drug-diversion statute, authorities said.

# Fla. Teacher Pleads Guilty in Sex Case

By MITCH STACY  
Associated Press Writer

TAMPA, Fla. — A female teacher pleaded guilty Tuesday to having sex with a 14-year-old student, avoiding prison as part of a plea agreement.

Debra Lafave, 25, whose sensational case made tabloid headlines, will serve three years of house arrest and seven years' probation. She pleaded guilty to two counts of lewd and lascivious battery.

The former Greco Middle School reading teacher apologized during the hearing, saying "I accept full responsibility for my actions."

The boy told investigators the two had sex in a classroom at the school, located in Temple Terrace near Tampa, in her Riverview town house and once in a vehicle while his 15-year-old cousin drove them around Marion County.

The boy told investigators Lafave told him her marriage was in trouble and that she was aroused by the fact that having sex with him was not allowed. He said he and Lafave, a newlywed at the time, got to know each other on their way back from a class trip to SeaWorld Orlando in May 2004.

If convicted at trial in Hillsborough County, she could have faced up to 15 years in prison on each count.

The plea agreement also was designed to resolve similar charges in Marion County, where Lafave was scheduled to appear in court Dec. 8. But prosecutor Ric Ridgeway said his office wants to speak with the boy's family first.

Hillsborough Circuit Judge Wayne Timmerman said LaFave also will forever lose her teaching certificate, must register with the state as a sexual predator, may not have any contact with children including the victim, and will not be allowed to profit from the sale of her story or personal appearances.

The victim's mother said afterward that the public scrutiny had taken its toll on the family, and they just wanted to see it all end.

"If we had continued along this path, this would have followed him forever," said the mother, whose name was being withheld to protect her son's identity. "My prayer is that he can leave this behind him and go on and be a happy, healthy young man."

After Tuesday's hearing, Lafave's attorney, John Fitzgibbons, said the plea was "a fair resolution of this case." Asked how she felt afterward, Lafave said "tired."

Fitzgibbons said in July that plea negotiations had broken off because prosecutors insisted on prison time, which he said would be too dangerous for someone as attractive as Lafave. He said then that she planned to plead insanity at trial, claiming emotional stress kept her from knowing right from wrong.

---

November 22, 2005 - 11:05 p.m. EST  
Copyright 2005, The Associated Press.

# Church liable in girls' abuse

By Bob Young

Seattle Times staff reporter

November 22, 2005

In a decision that could reverberate through clergy sexual-abuse cases everywhere, a King County Superior Court jury has awarded \$4.2 million to two sisters who were sexually abused for years by their stepfather, a Mormon priest.

The civil jury found The Church of Jesus Christ of Latter-day Saints, commonly referred to as the Mormon church, liable for intentional misconduct and negligence and ordered the church to pay most of the award. The remainder of the award would be paid by the girls' abuser, Peter N. Taylor, who is no longer their stepfather or a priest.

"The size of the verdict is particularly newsworthy. I think the jury is making a statement," said Timothy Kosnoff, a lawyer for the girls who were abused in their Federal Way home during the 1990s.

Kosnoff said the verdict, handed down late Friday afternoon, was the first sexual-abuse decision against a church in Washington state. He said it could affect settlement values in abuse cases against the Catholic Church here and in other states.

James S. Rogers, a Seattle lawyer who has represented victims of alleged abuse by Catholic priests, agreed. The verdict shows that 12 jurors put a serious value on the damage done by sex abuse, Rogers said.

Settlements in several high-profile abuse cases involving Catholic clergy across the country have averaged less than \$1 million per victim. The Boston Archdiocese reached an \$85 million settlement with 552 victims in 2003. Last year the diocese of Orange, Calif., settled 90 abuser claims for \$100 million. The Archdiocese of Seattle has settled approximately 100 cases, and payment to each victim has averaged about \$100,000, according to Michael Patterson, a lawyer for the archdiocese.

Patterson argued that no sweeping conclusions should be drawn from Friday's verdict because every abuse claim is unique. Tom Frey, a lawyer who represented the Mormon church in the Federal Way case, agreed. "Obviously, all broken legs don't have the same value," Frey said. Juror Nikki Easterbrooks said the crux of the case for the jury was this: Should church officials be allowed to treat a victim's abuse complaint as a confidential confession, or are they obliged to report it to authorities? "I think abuse happens way more frequently than we think, and it gets handled internally," Easterbrooks said.

A Mormon spokesman said the church would "aggressively pursue an appeal" in the Federal Way case. Spokesman Gordon Conger said he was shocked the jury found the church liable for damages. Conger said Taylor molested the girls in their home and did not use his church position to take advantage of his stepdaughters.

Conger maintained that the church's policy is to protect children, report abuse and excommunicate offenders.

But the jury believed the church acted improperly, Kosnoff said, based on the sisters' allegations that they were persistently abused by their then-stepfather.

The older sister, Jessica Cavalieri, now 24, said she first told her church bishop in 1994 that Taylor had started abusing her when she was 7. She said her bishop, the local

congregation leader, met with her mother and Taylor. But the bishop did not tell her mother about the abuse, Cavalieri said. Instead, he encouraged the family to work out problems through worship, she said.

The girl was unaware her mother did not know of the abuse, and because her mother did not come to her aid, Cavalieri said, she felt ashamed and frightened to tell anyone else. She endured the abuse for five more years, while Taylor started abusing her younger sister, Ashley Cavalieri, according to court documents.

The Seattle Times does not name sexual-abuse victims without their permission. Both sisters consented in this case, partly because they want to help other victims.

In late 1998, Taylor told the girls' mother about the sexual abuse. The mother then started divorce proceedings against Taylor and contacted police. Taylor pleaded guilty to criminal charges of first-degree child molestation in 2001 and was sentenced to four years, three months in jail. Conger said the church "disfellowshipped" Taylor, which he likened to excommunication. Meanwhile, the sisters sued the church. After a monthlong trial, the jury took slightly longer than a day to decide the case, returning an 11-1 verdict.

The sisters said Monday they felt relieved and vindicated by the verdict. Both are college students and say they're still haunted by the abuse. "It's always on my mind, especially when I look back at my life and how things could have been different," said Ashley Cavalieri.

Unlike her younger sister, Jessica Cavalieri remains a member of the Mormon church. She hopes her suit will help members with similar cases. "They don't know how to handle abuse victims and pedophiles," she said. "They're just completely naive."

*Bob Young: 206-464-2174*

Copyright © 2005 The Seattle Times Company

# Judge Kirkendall to resign

## Lawyer has filed grievance about his handling of custody case

Wednesday, November 23, 2005

BY STEVE PEPPLER Assistant Metro Editor  
AND SUSAN OPPAT Ann Arbor News Staff Reporter

Washtenaw County Probate Judge John N. Kirkendall, whose court came under scrutiny last year over its mishandling of conservatorship cases, has told court officials he will resign, The News has learned.

In an e-mail sent out today to court officials and others, Kirkendall said he plans to submit his resignation to the governor in order to spend more time with his family and to take advantage of an opportunity to assist in the development of a national mediation service. Kirkendall, who has a little more than a year left on his current six-year term, did not indicate in the e-mail when the resignation would be effective, but called it a "family decision" made by him and his wife.

Kirkendall and other court officials could not be reached for comment this morning.

The announcement came a day after an attorney revealed in court he had filed a grievance with the state Judicial Tenure Commission against Kirkendall over his handling of a child custody case.

The complaint filed by Ypsilanti attorney Gregory W. Graessley alleges Kirkendall exhibited a pattern of deferring and delaying decisions in the custody case, leaving the 4-year-old boy involved in the dispute enrolled as a preschool student in two school districts. The complaint alleged that at a Nov. 3 hearing the judge declared everything was cleared up and "was unable to comprehend" that the child was still enrolled in two different preschools by his divorced parents. Kirkendall was removed as chief probate judge last year after a state investigation showed court-appointed conservators in a number of cases had misappropriated money from trust accounts. Another judge was brought in to reorganize the probate court, leading to nearly \$300,000 in misappropriated funds being recovered in at least 11 conservatorship cases.

Kirkendall was removed from the custody case on Tuesday by Washtenaw County Chief Circuit Court Judge Archie Brown. Kirkendall declined to comment on Tuesday to a reporter.

An official with the state Judicial Tenure Commission would not confirm a grievance had been filed, citing confidentiality.

A copy of the grievance was included in paperwork filed in probate court as part of a motion by Graessley on Tuesday asking Kirkendall to recuse himself from the case. After Kirkendall refused to recuse himself, the motion was taken on immediate appeal to Brown.

Graessley said in court that he filed the judicial misconduct grievance against Kirkendall on Nov. 18. He cited the grievance as one of the reasons Kirkendall should recuse himself.

In removing Kirkendall from the custody case, Brown agreed that there was at least an appearance that Graessley's client did not receive the benefit of due process because Kirkendall did not make a decision. Brown made a point during the hearing that he was dismissing Graessley's additional claims that Kirkendall was biased against Graessley or his client because of the grievance filing.

Brown said "every judge has great discretion in the decision-making process, how to manage the court, and how he interacts with the Friend of the Court," but that there was an appearance of "impropriety" on Kirkendall's part.

In his written motion, Graessley claimed that among other things during an Oct. 13 hearing to determine where the pre-school son of divorced parents should attend school, Kirkendall said he had made a decision, then left the courtroom to consult with the social caseworker. When the judge returned, Graessley said, Kirkendall said he would not rule, told the parties to appear before the social worker and she would decide.

Graessley argued that social workers provide information to judges, and that judges may consider it when they make a decision - but that the ruling must be made by a judge. Without a judge, attorneys may not attend, object to decisions, or cross-examine witnesses.

In his written motion to have Kirkendall removed from the custody case, Graessley alleged that Kirkendall remains under "ongoing examination" by both the state and Washtenaw County courts.

"This means there has been heightened scrutiny of the judicial conduct of the Honorable John N. Kirkendall for a significant period of time. This has created an atmosphere of elevated examination of (his) judicial performance by individuals empowered to evaluate, discipline and direct his conduct as a seated jurist."

Brown said he was unaware of any current "heightened scrutiny" of Kirkendall's cases.

The State Supreme Court removed Kirkendall as chief probate judge in 2004 and appointed Circuit Judge Donald Shelton to his place after a state auditor's check found potential discrepancies in 722 active conservator cases. In a series of hearings last year, Shelton found a number of conservators had misappropriated funds from trust accounts for minors and others who cannot manage their own financial affairs.

Washtenaw County Deputy Chief Assistant Prosecutor Steven Hiller said Tuesday that the large criminal investigation into the conservators remains active and open.

Kirkendall, 67, the longest serving judge currently on the Washtenaw County bench, was appointed to a vacancy in the Probate Court in 1986 by then Gov. James Blanchard and has won reelection several times since then.

Probate Court is part of Family Court and handles divorce, child custody and estate cases.

Susan Oppat can be reached at [soppat@annarbornews.com](mailto:soppat@annarbornews.com) or at (734) 482-1166.

# Grievance is filed against judge

## Attorney makes complaint to state about Kirkendall

Wednesday, November 23, 2005

BY SUSAN L. OPPAT

Ann Arbor News Staff Reporter

An attorney has filed a grievance with the state Judicial Tenure Commission against Washtenaw Probate Judge John N. Kirkendall over his handling of a child custody case.

The complaint filed by Ypsilanti attorney Gregory W. Graessley alleges Kirkendall exhibited a pattern of deferring and delaying decisions in the custody case, leaving the 4-year-old boy involved in the dispute enrolled as a preschool student in two school districts. The complaint alleged that at a Nov. 3 hearing the judge declared everything was cleared up and "was unable to comprehend" that the child was still enrolled in two different preschools by his divorced parents. Kirkendall was removed as chief probate judge last year after a state investigation showed court-appointed conservators in a number of cases had misappropriated money from trust accounts. Another judge was brought in to reorganize the probate court, leading to nearly \$300,000 in misappropriated funds being recovered in at least 11 conservatorship cases.

Kirkendall was removed from the custody case on Tuesday by Washtenaw County Chief Circuit Court Judge Archie Brown. Kirkendall declined to comment to a reporter.

An official with the state Judicial Tenure Commission would not confirm a grievance had been filed, citing confidentiality.

A copy of the grievance was included in paperwork filed in probate court as part of a motion by Graessley on Tuesday asking Kirkendall to recuse himself from the case. After Kirkendall refused to recuse himself, the motion was taken on immediate appeal to Brown, who took the unusual step of removing Kirkendall from the case.

Graessley said in court that he filed the judicial misconduct grievance against Kirkendall on Nov. 18. He cited the grievance as one of the reasons Kirkendall should recuse himself.

In removing Kirkendall from the custody case, Brown agreed that there was at least an appearance that Graessley's client did not receive the benefit of due process because Kirkendall did not make a decision. But Brown made a point during the hearing that he was dismissing Graessley's additional claims that Kirkendall was biased against Graessley or his client because of the grievance filing.

Brown said "every judge has great discretion in the decision-making process, how to manage the court, and how he interacts with the Friend of the Court," but that there was an appearance of "impropriety" on Kirkendall's part.

In his written motion, Graessley claimed that among other things during an Oct. 13 hearing to determine where the pre-school son of divorced parents should attend school, Kirkendall said he had made a decision, then left the courtroom to consult with the social caseworker. When the judge returned, Graessley said, Kirkendall said he would not rule, told the parties to appear before the social worker and she would decide.

Graessley argued that social workers provide information to judges, and that judges may consider it when they make a decision - but that the ruling must be made by a judge. Without a judge, attorneys may not attend, object to decisions, or cross-examine witnesses.

In his written motion to have Kirkendall removed from the custody case, Graessley alleged that Kirkendall remains under "ongoing examination" by both the state and Washtenaw County courts.

"This means there has been heightened scrutiny of the judicial conduct of the Honorable John N. Kirkendall for a significant period of time. This has created an atmosphere of elevated examination of (his) judicial performance by individuals empowered to evaluate, discipline and direct his conduct as a seated jurist."

Brown said after his ruling that he will not comment on any "personnel" matter involving the court. He also said he is unaware of any current "heightened scrutiny" of Kirkendall's cases at either the state or local levels.

The State Supreme Court removed Kirkendall as chief probate judge in 2004 and appointed Circuit Judge Donald Shelton to his place after a state auditor's check found potential discrepancies in 722 active conservator cases. In a series of hearings last year, Shelton found a number of conservators had misappropriated funds from trust accounts for minors and others who cannot manage their own financial affairs.

Washtenaw County Deputy Chief Assistant Prosecutor Steven Hiller said Tuesday that the large criminal investigation into the conservators who allegedly misappropriated funds in 2003 remains active and open, but would make no further comment.

Kirkendall, 67, the longest serving judge on the Washtenaw County bench, was appointed to a vacancy in the probate court in 1986 by then Gov. James Blanchard. He has one more year in his current six-year term.



Ann Arbor News

Letters

November 23, 2005

## **SafeHouse Center offers help to assault victims**

SafeHouse Center is fully appreciative of the attention given to the assault that happened in Ypsilanti this month. This sort of assault can shake any community to its core. I am proud to say that SafeHouse was invited to a meeting called by leaders in Ypsilanti that provided additional information to the community about the assault. In The News' reporting of that meeting, SafeHouse's contact information was provided, and we applaud that. We would like to add that we are more than a shelter. We provide a breadth of services for survivors. In addition to our more well-known services in domestic violence, we also provide those same services to those who have experienced sexual assault, whether committed by a stranger or anyone else. We consider ourselves privileged to serve such a vital role in people's lives, and thank the community for its continued support.

Barbara A. Niess, Willis  
Executive Director, SafeHouse Center

# Teen girl suspects arrested in thefts

## Three more sought in purse-grabbing cases

Wednesday, November 23, 2005

BY AMALIE NASH

Ann Arbor News Staff Reporter

Authorities believe they've busted a ring of teenage girls responsible for a series of recent thefts and purse-snatching incidents across Washtenaw County.

Three of the suspects, who range in age from 14 to 17, were arrested Tuesday evening, and police are searching for three other girls.

At least four of the thefts occurred at nail salons in Ypsilanti Township, where the girls grabbed purses set on the floor next to customers having their nails done, Sheriff's Cmdr. Dave Egeler said.

Over the course of an hour Tuesday evening, the girls grabbed purses from three nail salons on Ellsworth Road and Washtenaw Avenue, distracting employees and customers to make off with a customer's purse, Egeler said. In the final incident, a customer followed the girls and obtained a license plate number, Egeler said.

Sheriff's Detective Lori Butler was fueling up at a gas station on Washtenaw Avenue at Hogback Road minutes after the third incident when she heard arguing nearby, Egeler said. She saw girls in the vehicle, and one ran off on foot while three others took off in the car, Egeler said.

The driver headed west on Washtenaw Avenue, rear-ending a vehicle near the US-23 overpass, Egeler said. Two girls were arrested in the car, and a third was captured after she fled into a wooded area. The fourth escaped but has been identified, Egeler said.

Egeler said police believe the suspects are responsible for a similar purse-snatching at a nail salon Saturday and are believed to be responsible for several other cases in recent days across the county. Police at Pittsfield Township, and Ann Arbor Police, said they are looking into the suspects' possible involvement in crimes there.

"They're looking potentially at a whole host of charges," Egeler said.

# United Way campaign near goal

Wednesday, November 23, 2005

By Teresa Taylor Williams

MUSKEGON CHRONICLE STAFF WRITER

Thanks to countywide support in its annual fund-raising campaign, the United Way of Muskegon County will continue to provide the funding it hoped for to those in need.

The organization raised \$2,502,421, or 98 percent of its \$2.55 million goal during its 2005 "Creating a Caring Community" campaign.

The total was announced by United Way officials during a communitywide celebration and campaign finale Tuesday night at the downtown Frauenthal Theater.

Campaign chairman Frank Marczak thanked the volunteers, the hundreds of donors and the youth that provided entertainment at the celebration. "We are hopeful and optimistic that the community will come through" to reach the rest of the goal, he said.

United Way board chairman Bob Scolnik added that collecting dollars from the community is crucial to meeting community needs.

"So many people are depending on us and we can't let them down," said Scolnik, a retired businessman and a county board member. "But Muskegon is a tough community and we always seem to rise to whatever challenge faces us, and this year is no different."

Last year, the United Way campaign reached its goal of \$2.5 million.

The organization has served the Muskegon area for 87 years. Each spring, dozens of volunteers assess the community's needs, and dole out the funds raised each year from the annual fund-raising campaign to more than 40 health and human service programs run by 25 nonprofit agency partners.

Earlier in October, the United Way joined with United Way of Oceana County and agreed to run its campaign. It is currently at 65 percent of goal of \$120,000, and the campaign will continue through December.

United Way of Muskegon County President Christine Robere said giving in Oceana County is up.

"With the outstanding support of (industries) Grand Haven Stamp and Gray and Co., we're confident the community will help achieve the goal," said Robere.

The United Way recently reported campaign results from various companies:

CWC Textron UAW 539 donations are up 12 percent with a dollar for dollar corporate match of more than \$90,000.

Hayes Lemmerz doubled giving despite recent layoffs.

Hoffman Steensma & Plamondon PLC doubled its giving by offering a \$100 jean day that partners matched dollar for dollar.

Holland USA UAW 1703 is up 25 percent.

Muskegon County employees and its commissioners raised \$102,000.

L3 Communications, formerly General Dynamics, came in 8 percent over goal at \$48,000.

National City gave at 87 percent.

Staff at Reeths-Puffer Public Schools gave \$44,000; and other area schools increased their giving by 25 percent at Montague, 32 percent at Fruitport.

Donations may still be made through one's workplace, and donors have the option to direct their gifts to general categories such as abuse and neglect, child and youth development and health services. You may also contact the United Way directly at (231) 722-3134, or on the Internet at [www.uwmusk.org](http://www.uwmusk.org).

# Charity leader 'hopefully optimistic'

Wednesday, November 23, 2005

MARY L. LAWRENCE  
THE SAGINAW NEWS

Volunteers spearheading the United Way of Saginaw County's fundraising campaigns at mid-Michigan businesses are inventive when it comes to collecting donations during tough economic times.

For the past several years, contributions at a Frankenmuth insurance company have improved steadily, thanks to some clever and entertaining collection strategies. Their in-house campaign generated \$87,000 -- 21 percent more than the 2004 effort.

Those dollars and other donations total \$1.092 million or 39 percent of United Way's \$2.8 million 2005 campaign goal. That's less than half of the funds needed to keep the 24 organizations and 54 initiatives serving the needy open for business.

Cherrie Benchley, interim president and CEO of the United Way of Saginaw County, is "hopefully optimistic" that the county's largest charity will reach its goal, but time is running out. The official campaign continues through November. Typically donations come in right up to the "victory" celebration and announcement of totals in mid-December.

Benchley said Frankenmuth Mutual employees "really get into their two-week campaign, with all kinds of games and competitions. It's very intense."

The insurance company wasn't the only business to see an increase in United Way giving.

Employees at General Motors Corp.'s Powertrain Division gave more, too. Plus, for the first time since 2002, the charity received a \$30,000 corporate gift from General Motors.

Meanwhile, workers at Saginaw Transit Authority Regional Services gave \$2,000 more than last year, and Dow Corning Corp. and Dow Chemical Co. each increased donations by 29 percent.

Employees at Spence Brothers Construction of Saginaw boosted their donations by 40 percent, while workers at Saginaw's Spicer Group gave 46 percent more.

One of the incentives for Spence Brothers workers was bidding on a half-day of chores performed at their homes by Herb A. Spence III, chief operations and financial officer and vice president of the company. He is this year's United Way fundraising campaign chairman.

"Every dollar helps," Benchley said. "If we could get everyone in Saginaw County to give \$1 a week, we could easily surpass our goal several times over."

Meanwhile, a committee searching for a permanent United Way CEO expects to announce finalists in early December, said Ellen Crane, chairwoman of the committee.

Michigan Report

November 22, 2005

## **MINIMUM WAGE PETITION DRIVE** **CONTINUES**

Officials for a petition drive to increase the minimum wage in Michigan are continuing to formulate a strategy as they prepare to get the required number of signatures to have the issue placed on the November 2006 ballot.

Mark Gaffney, president of the Michigan State AFL-CIO, said Tuesday that the group is looking for a director for the petition drive and organizers of the drive plan to hold a series of local information meetings on the issue before the end of the year.

Mr. Gaffney would not comment on who the drive's director might be.

Signatures will be gathered starting in January, but before that, organizers must finalize the wording of the initiative.

Mr. Gaffney said the petition group is still deciding on what the minimum wage, currently at \$5.15, should be increased to in the proposal, but said it would probably be in the \$7 range for hourly workers.

The petition drive was initiated after increasing the minimum wage through legislation ran into roadblocks.

House Democrats tried to revive the issue during a marathon session two weeks ago on the business tax cut/jobs plan (see related story), but the attempt was ill fated.

Dan Farough, spokesperson for House Minority Leader Dianne Byrum (D-Onondaga), said, "House Democrats will enthusiastically support a petition drive to raise the minimum wage."

Mobilizing support for the initiative and conducting town hall meetings will be a part of House Democrats' aid, Mr. Farough said. "People that work hard deserve a fair wage," he said.

Also involved in the initiative is the United Auto Workers and the community activist group, ACORN.

Out of the series of proposed ballot initiatives, a July poll conducted by EPIC/MRA showed that the minimum wage proposal would have one of the best chances of passing if it gets on the ballot. The poll showed a 72-22 margin of support for it.

“It absolutely needs to be done,” Mr. Gaffney said, adding that keeping the minimum wage at what it is now basically forces people into poverty. He said with no movement by the federal government to tackle the issue, it is up to the states to decide what to do.

Efforts to boost the minimum wage has been opposed by business organizations that argue it would actually cut the number of jobs as small employers, especially, would have to reduce the number of workers to meet the increased costs.



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF HUMAN SERVICES  
LANSING



MARIANNE UDOW  
DIRECTOR

## News Release

**Contact: Stepheni Schlinker or Maureen Sorbet (517) 373-7394**

---

### **Richards appointed Huron/Tuscola DHS director**

---

**November 23, 2005**

Michigan Department of Human Services (DHS) director Marianne Udow has announced the appointment of Leonard Richards of Caro as director of the Huron/Tuscola DHS effective November 21, 2005.

“Leonard has demonstrated strong leadership skills throughout his 25 years as a department employee,” Udow said. “I’m confident that, as director of the Huron/Tuscola DHS, he will continue to provide quality leadership.”

As director of the Huron/Tuscola DHS, Richards will be responsible for administering federal cash assistance and food assistance programs, as well as child welfare and adult services programs. As a former foster child, he brings a unique perspective to the position.

Richards holds a bachelor’s degree in Social Services from Ferris State University. He is married and is the father of two sons.

For more information go to [www.michigan.gov/dhs](http://www.michigan.gov/dhs)